U. S. Department of Housing and Urban Development
Washington, D.C. 20410

OFFICE OF LEAD HAZARD CONTROL

POLICY GUIDANCE NUMBER: 93-02	DATE: September 15, 1993
SUBJECT:	Relocation Policy For Households During Lead-Based Paint Hazard Reduction Activities
STATUS:	Superseded
APPLICABILITY:	All grant rounds.
RELATED GUIDANCES:	Policy guidance 94-03.
COMMENTS:	Superseded by the HUD Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing (Chapter 8), June 1995, the Notice of Funding Availability requirements for each round, and the Uniform Relocation Act.

Dear Lead-Based Paint Hazard Control Grantee:

I am writing to clarify the Department's policy regarding the relocation of households during lead hazard reduction activities carried out through the HUD Lead-Based Paint Abatement in Privately Owned Low- and Moderate-Income Housing Grant Program. Appropriate action must be taken to protect occupants , especially young children and pregnant women, from lead hazards associated with lead hazard reduction activities. Failure to do so violates the primary goal of the hazard reduction program - decreasing risks to occupants due to exposure to lead-based paint hazards.

This letter establishes interim policy for immediate use by grantee in the first round of this HUD program. This issue will be addressed more definitively in the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing which is in preparation.

The HUD NOFA published on July 6, 1992 specifically addresses the issue of relocation and provides guidance and minimal standards.

The section “I. Purpose and Substantive Description, E. Program Objectives and Requirements, (6) Program Design Standards and Requirements (f) Uniform Relocation Act” includes the following:

“(i) The applicant shall comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ……

(ii) No displacement (permanent, involuntary move) is anticipated… .all occupants (owner and tenants) shall … be notified in writing that they will not be displaced…

(iii) Residential occupants who will not be required to move permanently may be required to relocate temporarily to permit the lead-based paint abatement program to be carried out. All conditions of the temporary relocation must be reasonable. At a minimum the tenant shall be provided:

(a) Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to an from the temporarily occupied housing and any increase in monthly rent/utility costs at that housing; and

(b) Appropriate advisory services, including reasonable advance written notice of the date and approximate duration of the temporary relocation; the address of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period; and the reimbursement provisions of subparagraph (a) of this paragraph.

(iv) The policy regarding temporary relocation costs for owner-occupants who elect to participate in abatement is a matter of grantee discretion.”

There are specific situations in which occupants may not be present in a dwelling unit undergoing lead hazard reduction, and requirements which must be met if occupants will remain in the unit. In most circumstances, occupants must be temporarily relocated during lead hazard reduction activities. The remainder of this letter identifies situations in which occupants may remain in the unit during lead hazard reduction work and the restrictions and conditions which apply.

<u>Prohibit Access to Work Areas</u>

No occupant shall be present in work areas or designated adjacent areas (together not necessarily and entire room) while lead hazard reduction activities are taking place in any dwelling unit interior, common area, or exterior. Adjacent areas are spaces set aside next to work areas that serve as a buffer zone between the work area and the remainder of the dwelling unit. Occupants may not reoccupy a work area or adjacent area until post-lead hazard reduction clearance standards have been met. See attached addendum for more information on work areas and adjacent areas.

Actions That Do not Disturb Lead-Based Paint

Relocation is not required if lead-based paint on walls , woodwork or other surfaces is not being removed or otherwise disturbed. For example when the entire intervention involves dust lead cleaning only and no lead-based paint will be removed, occupants can remain in the unit.

Hazard Reduction Completed Within 8 Hours

Relocation is also not required if the following three conditions are met:

(1) the lead hazard reduction and the final cleanup of the work area and adjacent areas can be accomplished in one 8 hour working day; and

(2) the areas available for occupancy provide sufficient bathroom, kitchen and sleeping facilities and entry egress pathways to meet the needs of the occupants (When hazard
reduction work is done in these key areas, relocation is required until clearance standards are met - unless the work is extremely limited and the work and adjacent area can be sealed and sufficiently isolated in the room to allow adequate safe access by occupants.); and

(3) dust and debris in the work areas and adjacent areas are contained, in accordance with the HUD Interim Guidelines (Chapter 7-Occupant Protection and Containment) from entering the remainder of the dwelling unit. Occupant belongings are removed from these areas, or covered and sealed. (If little or no lead-based paint will be disturbed in the work area, occupant belongings can be covered but not necessarily sealed, and dust contained within the work area without the use of an “adjacent area.”)

Hazard Reduction Requiring More Than Eight Hours

If a lead hazard reduction takes more than one 8 hour working day to complete, occupants should, in general, be relocated. However, if a grantee must carry out multi-day interventions without relocation, considerable precautions must be taken. The following are minimal requirements:

(1) the lead hazard reduction activities are of limited scope (i.e. capable of being completed in five or fewer calendar days with work proceeding one or two rooms at a time);

(2) the work areas and adjacent areas (together not necessarily an entire room) can be contained from the remainder of the dwelling unit, and dust caused by lead hazard reduction completely contained within the work area and adjacent areas;

(3) the work area and adjacent areas can be sealed against entry during non-working hours;

(4) the work area and adjacent areas remain inaccessible to occupants until post-lead hazard reduction clearance standards are met;

(5) the areas available for occupancy provide sufficient bathroom, kitchen and sleeping facilities and entry/egress pathways to meet the needs of the occupants;

(6) thorough daily cleanup procedures (HEPA vacuum at minimum) are followed at the conclusion of work each day in the work area and adjacent areas;

(7) dust samples in living areas where pre-abatement dust testing was done and within 10 feet of the entrance to the adjacent area are taken at the end of the first day's work (1 sample) and at the end of the job (1 sample) and demonstrate that pre-lead hazard reduction levels do not increase above 200 ug/ft2. Only regularly planned daily cleanup measures may take place before this sampling is completed. Work need not stop until dust sample results are available. However, the results of the dust sampling should be available within 24-48 hours.

After a specific work crew/supervisor has met this standard on lboth dust samples in 3 or more consecutive dwelling units using the same hazard reduction methods, then a living areas dust sample must be taken only at the end of the job in subsequent units done by that work crew/supervisor.

(8) If there is lead dust migration into the occupied areas, (i.e., living areas dust samples exceed the levels in 7. Above) work must be stopped until relocation can be accomplished, and appropriate dust cleanup procedures completed.

If these occupant protection requirements are not met, occupa ncy is prohibited during lead hazard reduction. Reoccupancy can occur only after post-lead hazard reduction clearance standards are met. Occupancy may not reoccupy any work area or adjacent area until post-lead hazard reduction clearance standards are met.

Lead Hazard Reduction on Exterior Surfaces

If lead-contaminated paint on the exterior of a dwelling unit is being abated, the following steps must be taken to ensure occupant protection:

(1) windows and doors to the interior space within the work area and adjacent area must be sealed off to prevent lead-contaminated dust from entering the unit: and

(2) occupants, when ever possible, are prohibited from using entry/egress pathways in proximity to exterior lead hazard reduction areas. If alternate means of egress are unavailable, a pathway into and out of the dwelling must be maintained from of paint chips and dust from the intervention activity, and occupants warned to avoid tracking dust into their home.

To help ensure that these issues are carefully considered: any grantee planning to use occupant safety strategies which do not require occupants relocation for the entire period in which lead hazard reduction work is being carried out must develop a detailed written description of its occupant safety strategy, its occupant safety requirements and how they will be monitored and enforced. The plan must include a requirement that specific occupant safety specifications be developed for each occupied dwelling unit in which relocation will be required that includes specific provisions for complying with the requirements outlined in this letter.

While there is no requirement to submit these plans or specifications to the HUD Office of Lead-Based Paint Abatement and Poisoning Prevention, they must be available in grantee's project office files for review upon request by HUD or National Center for Lead Safe Housing evaluation staff.

The above policies are intended to safeguard the health of residents and to balance their concerns with the operational realities of lead hazard reduction. Residents are probably at greatest risk where LBP surfaces are being disturbed, and grantees should act accordingly. It would be most unfortunate, if, in our efforts to make lead hazard reduction more operationally feasible, we exposed the children in these homes to even greater risk.

Sincerely,

Ellis G. Goldman
Director, Program Management Division

Enclosure

FURTHER DESCRIPTION OF WORK AND ADJACENT AREAS

Work areas and “adjacent areas” are spaces set aside to ensure containment of the lead dust associated with lead hazard reduction activities.

Work areas are completely sealed off spaces in which dust and deris generated by lead hazard reduction activity must be contained. A work area should be of a size and kind sufficient for the work being conducted. A room or any part of a room sufficient to allow the work to be carried out while containing any and all dust and debris generated may be established as a work area.

Adjacent areas are spaces next to work areas that serve as a buffer zone between the work area and the remainder of the dwelling unit. Their purpose is to help prevent contamination of living areas when lead hazard reduction activities are carried out in occupied units without relocating the occupants.

Adjacent areas vary in size and configuration depending on need, and must only be sufficient to allow: a) containment of any figurative dust or debris released, tracked or carried out by any opening of the work area for entrance, exit, transfer of tools, etc.; b) sufficient movement by workmen to remove outer garments such as shoe covers or TYVEK suites and their storage or disposal without contaminating their regular garment, and; c) the removal and HEPA vacuuming of equipment or materials before being carried through non-work areas in order to prevent the contamination of living areas.

A work area and containment area could, for example, consist of a 3 foot wide work area for stabilizing paint or replacing a window, and a 3 foot wide “adjacent area” outside of which sits the furniture etc. that had been situated throughout the room. It could also be an entire room set up as a work area with a 3 foot wide section of the next room or an adjoining hallway serving as the adjacent area through which the work area is entered into and, following appropriate decontamination procedure, exited.

A mini-containment designed to capture any dust or debris that could enter a room while a window is being removed by workers working from the exterior of the building could also function as a work area containment. A mini-containment of this type could consist of two layers of poly taped to an interior wall around a window. Such a mini-containment would not require “an adjacent area” if no dust generating activity, including cleaning and removal of the initial layer of poly, will occur from the inside of the dwelling.